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| 10/580,278 | 02/28/2007 | Thierry Maniguet | GER-0819 | 3235 |
| 23413 7590 04/10/2008 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103 | | | | |
| EXAMINER | | | | |
| SOLD, JENA A | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3765 | | | | |
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| 04/10/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/580,278

Applicant(s)

MANIGUET, THIERRY

Examiner

JENA A. SOLD

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 5/23/06

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

2. The declaration discloses "material to patentability as defined in 37 CFR 1.56(a)" rather than "material to patentability as defined in 27 CFR 1.56".

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "loop extending across an entirety of the waist" (claim 7) must be shown or the feature canceled from the claims. No new matter should be entered.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 6 is objected to because it is unclear if applicant claims two belt attachment strips of a first type on each end, or two belt attachment strips of a first type, one belt attachment strip at each end. The latter interpretation will be assumed for the purpose of further examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 5,575,010) in view of Warner et al. (US 6,751,804). Chung discloses

pants 1 with an adjustable waist and length comprising legs 12, each leg 12 having hook tape 110, applicant's attachment strip of a first type, secured to the bottom 11 thereof, as well as vertically spaced loop tapes 111, applicant's at least two attachment strips of a second type, secured to the inside wall of said legs 12 above said hook tape 110 (column 2, lines 6-19). As visible in Figure 5, said hook tape 110 is folded upwardly and attached to one of the loop tapes 111. Chung fails to disclose at least two pockets at two different heights on each leg, each pocket being capable of housing a knee protector. Warner et al. discloses trousers with adjustable location knee pads wherein knee pad assembly 22 is formed of six panels 26, 28, 30, 32, 34, 36 secured to the interior of trouser leg front panel 16, thus forming a series of vertical pockets (column 2, lines 24-38), each capable of housing a knee protector, as visible in Figures 2-5. It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the knee pad assembly 22, as taught by Warner et al., to the trouser garment of Chung, as the knee pad assembly provides protection to a wearer's knees in situations where said wearer engages in a hobby or work which requires them to kneel (column 1, lines 6-9).

7. Regarding claims 2, 3, and 8, as visible in Figures 4 and 5 of Chung, hook tape 110 and loop tapes 111 are positioned on an interior surface and substantially parallel to an end opening of pant leg 12.

8. Regarding claim 4, as previously discussed, knee pad assembly 22 of Warner et al. is positioned on an interior surface of the pant leg.

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9. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 5,575,010) in view of Kirven (US 6,014,771). Chung discloses pants 1 with an adjustable waist and length comprising legs 12, each leg 12 having hook tape 110, applicant's attachment strip of a first type, secured to the bottom 11 thereof, as well as vertically spaced loop tapes 111, applicant's at least two attachment strips of a second type, secured to the inside wall of said legs 12 above said hook tape 110 (column 2, lines 6-19). As visible in Figure 5, said hook tape 110 is folded upwardly and attached to one of the loop tapes 111. Chung fails to disclose at least two pockets at two different heights on each leg, each pocket being capable of housing a knee protector. Kirven teaches a knee protection system comprising pants 10 having hand pockets 16 and fabric pockets 30, applicant's at least two pockets at two different heights on each leg, each pocket being capable of housing a knee protector (column 2, lines 39-41 and 54-58). Fabric pockets 30 includes closable flaps 38 with a hook and pile fastener (column 1, lines 59-62). It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the pockets and flap system as taught by Kirven to the pants garment of Chung because said pockets 16 are conventional pants pockets and pockets 30 adapt a pair of pants to a wide variety of situations needing knee protection while said closure flaps 38 ensure that said knee protection is retained inside (column 2, lines 5-9).

10. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 5,575,010) in view of Warner et al. (US 6,751,804) and in further view of

Newman (US 2,236,693). Chung in view of Warner discloses the invention substantially as claimed and as previously discussed including an adjustable length pant garment having a series of knee pad receiving pockets located at different heights on each leg. Chung further discloses an adjustable waistline for contracting and expanding the waist of said pants. Chung in view of Warner et al. fails to disclose the means for adjusting the waistline is "a belt comprising, at both ends, two belt attachment strips of a first type designed to attach on to two waist attachment strips, respectively, of a second type located on the waist of the pants". Newman teaches a pair of trousers 27, as visible in Figure 5, including protruding belt sections 13', 14', applicant's two belt attachment strips of a first type designed to attach on to two waist attachment strips of a second type, buckle portions 15' located on the waist of the pants. Also visible in Figure 5, as well as Figure 4, belt sections 13', 14' of the belt protrude from openings 17 (as in Figure 1) and are enclosed by tunnel band 18, applicant's loop, extending across an entirety of the back of the waist to hold the belt (page 2, column 1, lines 25-43). It would have been obvious to one having ordinary skill in the art at the time of the invention to replace the waist adjustment system of Chung with the waist adjustment system taught by Newman, because the waist adjustment system taught by Newman provides an alternative means for constriction and expansion of the waistband of a pants garment.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form 892 enclosed herewith.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENA A. SOLD whose telephone number is (571)272-8610. The examiner can normally be reached on Mon. - Fri. 9:00 A.M. to 5:00 P.M..

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS
/Alissa L. Hoey/
Primary Examiner, Art Unit 3765